

REMARKS/ARGUMENT

Claims 1-20 remain pending in the patent application, all rejected. For the reasons set forth below, the rejections of the claims, of which claims 1, 7 and 11 are now amended, are traversed and should be withdrawn.

I. Rejections Under 35 U.S.C. § 112, ¶ 2

Claim 1 was rejected under 35 U.S.C. § 112, ¶ 2, as indefinite to the extent the Examiner perceived a lack of clarity as to two instances of the term "monitored status." The claim has been amended to address and overcome this rejection.

In claim 11, the term "control device" in line 2 was said to lack antecedent basis. The claim has been amended to address and overcome this issue.

II. Rejection Under 35 U.S.C. § 102(e)

Claims 1, 3-8, 10-11, 13-14, 18 and 20 stand rejected for a second time under 35 U.S.C. § 102(e) as unpatentable over U.S. Patent No. 6,567,502 to Zellner ("Zellner"). The claims were initially rejected in a first, non-final office action, dated November 19, 2004, to which Applicants responded on March 21, 2005, with amendments and an explanation as to how Zellner failed to meet the significant burden of identically showing every element of each of the identified claims. That response is incorporated by reference herein in its entirety.

A rejection under 35 U.S.C. § 102(e) requires that all limitations of a rejected patent claim be shown identically in a single prior art reference. If the reference fails to show any limitation, the rejection under this provision of the patent statute must be withdrawn. As

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discussed in detail below, and as was already discussed in Applicants' earlier response, the Patent and Trademark Office has failed to carry this heavy burden.

Applicant respectfully submits that the Office Action and the rejections it contains are based on a fundamental, though easily corrected, misunderstanding of the claims and the applied references: The rejection is based on the apparent confusion of the concept of *multimedia* monitoring of machines with the concept of monitoring of *multimedia* machines. Once this error is dispelled, the failure of the cited references to disclose or suggest the claimed invention, should become clear.

The claimed invention relates, as further defined in the actual language of the claims, to *multimedia information about a monitored status of a remote machine*. But the Zellner reference does *not* generate multimedia information regarding the monitored status of a machine. Rather, Zellner relates to generation of information regarding a human emergency.¹ Assuming, without conceding, that Zellner generates and transmits multimedia information at all, such multimedia information would relate to the emergency -- not to the devices which record that multimedia information. The rejection overlooks this crucial distinction between the claimed invention and the Zellner reference. Even if the Examiner is somehow relying on the gathering and transmission of control information regarding the monitoring equipment as showing the invention, such control information is *absolutely not multimedia information*. Zellner does not describe or even recognize any need for providing multimedia information regarding the status of the monitoring devices themselves.

¹ In the summary of the invention, Zellner states: "The present invention contemplates a method of monitoring the vicinity of a user requesting emergency help." Col. 2, lines 55-56 (emphasis added).

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To reiterate: A device such as a video camera sending information relating to *monitoring an emergency involving people and requiring firefighters and the like* (the Zellner scenario) in no way discloses a machine *itself* being monitored and *multimedia information about that monitored machine* being transmitted and processed.

i. **Claims 1 and 11 and Their Dependencies**

Claim 1 recites, in pertinent part,

processing of control data and communication of said data
from said remote machine; and

processing of *multimedia* information regarding a
monitored status of the remote machine; and

a multimedia connection coupled to said processor providing a
multimedia transmission connection to the remote machine and
transmitting said multimedia information regarding a said monitored
status of the remote machine.

(Emphasis added).

Claim 11 recites in pertinent part:

generating *multimedia information* regarding a monitored status of
the remote machine; and

providing a multimedia connection coupled to said processor
providing a multimedia transmission connection to the monitored remote
machine; and

providing a multimedia connection coupled to said processor
providing a multimedia transmission connection to the monitored remote
machine and transmitting said *multimedia information regarding a status
of the monitored remote machine*.

(Emphasis added).

The disclosure relied on in rejecting this claim (c.g., col. 3, lines 7-17), states that "the
ESC may remotely query each monitoring device to determine what capabilities that device has."

The various passages cited by the Examiner, incorporated here by reference, in no way disclose

or suggest the retrieval or processing of multimedia information regarding the monitored status of any remote machine." All citations to Zellner are deficient in this regard.

As for the grounds for rejecting claim 11, those too fail to disclose or suggest the claimed invention. The Examiner provides citations at columns 3, 4, 6, 7 and 8 as allegedly showing the generation of "multimedia information regarding a monitored status of the remote machine." (Office Action at page 4, para. 8). Not a single one of these citations describes this limitation, however. Assuming without conceding that these cited passages describe information regarding a status of a remote machine, they certainly do not describe "*multimedia information regarding a monitored status of the remote machine*" as claimed.

To summarize, whether or not Zellner describes multimedia monitoring equipment or status information regarding that equipment, Zellner absolutely *does not* disclose or suggest any transmission or processing of *multimedia information regarding the monitored status of a remote machine*, as claimed. This is hardly surprising: Zellner is in no way concerned with monitoring of machines. As is plainly evident from nearly every passage and figure of the Zellner patent, that reference is concerned with monitoring of human emergencies.

For these reasons, the rejection of independent claims 1 and 11, and claims 3-8, 10-11, 13-14, 18 and 20 which, respectively, depend from them, is not well founded. Applicants respectfully urge that the rejection of these claims be withdrawn.

ii. Claims 4 and 14

As to claims 4 and 14, which depend respectively from claims 1 and 11, these claims further recite "an augmented reality device that generates multimedia information corresponding to one or more senses of a user in the vicinity of the remote machine," in claim 4, and an

analogous limitation in claim 14. As described in the specification at paragraph 039, for one example, "Augmented reality systems, such as a Virtual Reality (VR) systems enable one or more users to move and react in a computer-simulated environment." In rejecting this claim, it is respectfully submitted that the Examiner has impermissibly dropped the limitation "augmented reality" and relies on passages from Zellner that conspicuously fail to disclose this limitation. Column 4, lines 65-67, for example, states "After determining the capabilities of various monitoring devices in the user's household 17, the ESC remotely takes control of those devices at block 22 so as to monitor the user's vicinity during the emergency." This passage has nothing whatever to do with augmented reality. The other passage relied on to support the rejection is similarly deficient. For these additional reasons, claims 4 and 14 recite patentable subject matter and should be allowed.

iii. Claims 5 and 6

Claim 5 recites that the multimedia connection is bidirectional. Claim 6 recites trace functionality for real time transmission of multimedia data. Neither are disclosed or suggested by Zellner.

Both of these limitations are said by the Examiner to be shown at column 5, line 49. That passage recites as follows: "Fig. 3 illustrates a general arrangement wherein the ESC". Presumably, the Examiner's citation is intended as a reference to Figure 3. But Figure 3 does not disclose or suggest any bidirectional multimedia connection. Nor does it disclose or suggest any trace functionality. Trace functionality is a term of art with meaning particularly in the field of industrial control, which Zellner has nothing to do with.

For these further reasons, claims 5 and 6 should be allowed.

iv. Claim 7

Claim 7, now amended to delete the recitation of the word "industrial", recites that a data processing device is coupled remotely with the (monitored) machine for controlling the processing of the multimedia information. That limitation is said to be shown at Zellner, column 9, lines 13-25, which recites that a data based may be located within the ESC facility. The passage discloses nothing about multimedia information or the control of its processing. The rejection of claim 7, for this further reason, is misplaced and should be withdrawn.

v. Claims 8 and 18

Claim 8 recites in pertinent part that the data processing device of claim 7 encompasses multiple data-processing units which have communication connections to one another and which each have a telecommunication connection for real-time transfer of multimedia information to the control device. Claim 18 is analogous. These claimed features are said to be identically shown by Zellner at column 10, lines 3-22. That passage states that "the [ESC 14] remotely controls more than one monitoring device...and may need to access more than remote database..." This, however, does not disclose or even suggest the limitation as claimed, which recites multiple data processing devices coupled remotely with the (monitored) machine for controlling the processing of the multimedia information. The rejection of claims 8 and 18 should therefore be withdrawn.

III. Rejection Under 35 U.S.C. § 103(a)

Claims 2, 9, 12, 15-17, and 19 stand again rejected under 35 U.S.C. § 103(a) as unpatentable over Zellner in combination with U.S. Patent No. 6,567,502 to Widegren.

Applicants respectfully submit that these rejections are traversed on the basis of the above

arguments, incorporated herein by reference. While the rejections acknowledge that Zellner does not explicitly teach that the processor enables a UMTS connection, this lacuna is said to be filled by Widegren.

As Applicants have already explained in their previous response, Widegren has to do with universal mobile telephone systems. However, nothing in the art generally, nor in Zellner or Widegren, would suggest to a worker in the field of industrial automation either to look to Zellner or Widegren, or to combine them. That combination of references could only be arrived at, impermissibly, with the benefit of the above-referenced application or the Office Action. Even if these references could be properly combined, they would not yield the claimed invention, due to the significant deficiencies of Zellner as discussed above.

The Examiner has not addressed, much less overcome, Applicants argument that Widegren is non-analogous art having nothing to do with the field of the invention.

For this reason, and because claims 2, 19, 12, 15-16 and 19 are dependent, respectively, from allowable claims 1 and 11, these claims should be allowed.

Regarding claim 17, that claim recites the step of "remotely processing the multimedia information." The Examiner argues that "Zellner teaches remotely processing the multimedia information" at column 3, lines 39-41 and column 5, lines 50-51. The first of these citations reads: "and remotely controlling one or more monitoring devices in the subscriber's vicinity in response to the emergency help request..." This is merely another instance of remote control of monitoring devices. The passage does not describe remotely processing the multimedia information, much less multimedia information relating to the monitored machine (as described

above). Similarly, the second cited passage, column 5, lines 50-51, recites: "remotely controls three monitoring devices...in the user's household." Again, this passage neither discloses nor suggests the recited limitation.

For this additional reason, claim 17 is allowable and its rejection should be withdrawn.

IV. Rejoinder to the Examiner's Response

Applicants thank the Examiner for the courtesy of providing reasoning supporting the repeated rejection of the above-identified claims over Zellner. Applicants, however, respectfully objects to the Examiner's characterization of Applicants' arguments as equivocal and therefore inaccurate. Applicants address each of Examiner's points in turn.

21.A. "As to point (1), Zellner clearly teaches the remote controlling of various monitoring devices may be performed automatically by the Emergency service center (ESC) (col. 5, lines 9-12).

The cited passage from Zellner states:

"In an alternative embodiment, the remote controlling of various monitoring devices may be performed automatically by the ESC 14...once the emergency call from the user 12 is received at the ESC 14."

This passage, rather than supporting the rejection, actually reinforces Applicants' argument: The Examiner states that the cited passage relating to remote control discloses remote monitoring. The passage, however, does not on its face disclose monitoring of a status of a remote machine. Since the claimed invention relates to *multimedia* monitoring of machines, not monitoring of *multimedia* machines, this is a highly relevant omission.

21.B "As to point (2) Zellner clearly teaches ESC determines, based on the device-specific information received from the respective monitoring device, whether the device needs to be remotely activated for monitoring (col. 6, line 55-col. 7, line 5). Furthermore, Zellner clearly teaches the monitoring information

may be sent from the respective monitoring device as long as the communication session remains established between the device and the ESC (col. 7, lines 9-12).

As discussed at length above, Zellner simply does not contemplate multimedia monitoring of machines. Neither col. 6, line 55 to 7, line 5, nor column 7, lines 9-12 of Zellner contradict this fundamental conclusion. The above passage does not address the multimedia nature of information regarding the monitored status of remote machines or any other aspect of the processing, transmission or use of such multimedia information about the monitored machines.

21.C "As to point (3), Zellner clearly teaches a video camera unit, a digital camera, a computer with a built-in camera unit, or a telephone with built-in video camera and data port which may be connected to the first connecting link to obtain audio and/or video information from the user's vicinity (col. 6, lines 10-17).

As discussed above, an augmented reality device is described in pertinent part at least at paragraph 039 of the application as enabling one or more users to move and react in a computer-simulated environment. The passage at 21.C neither discloses nor suggests this recited feature of the invention.

21.D "As to point (4), Zellner clearly teaches the ESC remotely takes control of those devices (col. 4, lines 65-66).

This passage is intended to address Zellner's failure to disclose a trace functionality. The term "trace functionality" is a term of art in the field of industrial control and is simply not disclosed or suggested by Zellner, either at the passage referred to above or elsewhere.

21.E. "As to point (5), Zellner clearly teaches ESC determines, based on the device specific information received from the respective monitoring device which are a video camera unit, a digital camera, a computer with a built-in camera unit, or a telephone with built-in video camera, data port, audio and video, whether the device needs to be remotely activated for monitoring (col. 6,

line 55 – col. 7, line 5). Furthermore, Zellner clearly teaches the remote controlling of various monitoring devices may be performed automatically by the Emergency service center (ESC) (col. 5, lines 9-12). The ESC determines, based on the device specific information received from the monitoring device, whether the device needs to be remotely activated for monitoring (col. 6, lines 55-66).

This passage reflects the fundamental error respectfully pointed out above. The claimed invention does not recite monitoring of multimedia machines, but rather, in essence, multimedia monitoring of machines.

21.F. “As to point (6) Widegren teaches UMTS is used to communicate everywhere where communication also includes the providing of information using different types of medial or multimedia communications (col. 1, lines 20-26; col. 5, lines 29-31).

As discussed above, Widegren is not analogous art to the claimed invention and an appreciation of its potential use in connection with the invention would have required impermissible hindsight benefit of the subject application.

CONCLUSION

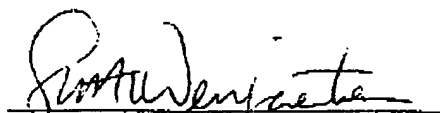
Upon entry of this Amendment, claims 1-20 are pending in the application, claims 1, 7 and 11 having been amended. Applicants submit that the claims, for the reasons set forth above, are in condition for allowance. Reconsideration and allowance are therefore respectfully requested.

If a fee is required, the Commissioner is authorized to charge the fee to Deposit Account

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Respectfully submitted,



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